

was notified to-day that no ships were being delayed; that the board's vessels were all operating on the open shop plan, and that more engineers were being offered than were needed. Portland, Ore., wires that full crews for three of the board's ships have been completed with the exception of one engineer.

Word came from San Francisco there was a slight shortage of engineers, but otherwise full crews were being found for all ships. Many applications were being received for guarantees for six months' work.

"Boston," said Mr. Martin, "with its large reserve of American officers and men, has perhaps the best record of any port in the country. The situation there now is, practically, as if there never had been a strike."

"Our owners are finding conditions easier at New Orleans and other Southern ports where the unions at first had their best opportunity for the reason that sea-going officers and men there were so few."

The union this afternoon gave out a long list of ships operated by private owners which they claim are tried up among them being the Minneapolis, which requires twenty-five engineers. The Panhandle State of the U. S. Mail Line and the Huron of the Munson Line, which arrived yesterday. It is claimed, have been deserted by their crews.

There have been no sailings in any of the following lines since May, the union claims.

Panama Railroad Steamship: Barber, Seager and Atlantic Fruit Company. W. R. Grace & Co. got only one vessel away since the strike, it is said, and the Southern Pacific, four. The United Fruit Line, it is admitted, has been making regular sailings with strikebreakers. The Parisina, according to the union, out of New Orleans, put into Havana for repairs.

The marine engineers report that 700 of their union have taken a vacation and that 1,200 more have quit their vessels. From 800 to 900 engineers, it is estimated, have come to their home harbor from other ports.

U. S. WON'T DEAL WITH RUSSIA UNTIL PRISONERS GO FREE

(Continued From First Page.)

pelled to fall back on the use of moral force and diplomatic pressure. For one thing the United States now has a seat in the Supreme Council and in the Council of Ambassadors, and whereas Russia might have seen the United States and Great Britain lined up strongly together in a more or less favorable attitude toward Russia, as against the French and Polish hostility toward the present Russian regime, the chances are that the diplomatic representatives of the United States will omit no opportunity to take sides against a recognition of Russia or a resumption of trade until the Soviet authorities develop some humanitarian ideas about the treatment of innocent American citizens.

The American Government did not hesitate under the Taft Administration to abrogate a commercial treaty with Russia when that country started to discriminate against Jews and non-Jews who held American passports, and there are signs of an equally vigorous policy to-day. The chance is that the Harding-Hughes policy will not only be an important factor in Allied councils hereafter, but that upon every occasion where the influence and sympathy of the United States is sought on questions affecting Russia, the Washington Government will make plain its refusal to deal with a regime that treats Americans as the Soviets have done.

From this time forward the United States Government will deny every proposal that is made for the opening of trade relations with Russia, and will decline to consider any programme looking toward the recognition of Russia until American prisoners have been released and protection is assured all other Americans who may desire to travel in Russia on legitimate errands.

LOST IN THE FOG, ROWED 150 MILES

Fishermen in Open Boat 84 Hours at Sea Picked Up by Liner.

PORTLAND, Maine, May 17.—After eighty-four hours in an open boat, Thomas E. Armstrong of Biddeford and Stephen Perry, of Cape Porpoise, fishermen, were picked up off Biddeford Island and brought to port here by the passenger steamer Kamsen B. Fuller to-day. They were almost at the point of collapse.

The men left the schooner Anselme Noonan seventy miles off Cape Cod on Friday to get lines and became lost in a fog. For a few minutes late in the day they saw the schooner again, but so far to windward that they could not reach her. They had rowed more than 150 miles when picked up.

HOW ABOUT RETAIL PRICES?

Wholesale Charges 4 1/2 to 5 Per Cent. Below Those of May, 1920.

WASHINGTON, May 17.—The level of wholesale prices now is 4 1/2 to 5 per cent. below the peak of high prices reached in May, 1920, the Labor Department announced to-day.

Wholesale prices dropped 5 per cent. during April, the announcement said.

Another Victim of "Divorce Mill" Gets Final Decree

Supreme Court Justice A. H. P. Seeger, in White Plains, granted an interlocutory decree of divorce to-day to Mrs. Nellie Cullen against James C. Cullen, in an undelayed action. Mrs. Cullen was the second wife of the Herbert F. Miller, "divorce mill" to obtain a genuine decree. Mrs. Cullen lives at No. 235 West 108th Street, Manhattan.

CITY LOSES FIGHT TO RESTRAIN NEW TRANSIT BOARD

Justice McAvoy Declines Injunction to Keep It From Functioning.

THREE WAYS OPEN.

Courts Have No Precedent To Take Step Urged by Hiram Johnson.

Supreme Court Justice McAvoy to-day denied the application of the City for an injunction restraining George McAneny, Gen. John F. O'Brien and Leroy T. Harkness from performing the duties of Transit Commissioners.

The court held that the Commission was legally appointed by the last Legislature. In the decision, quoted in part below, all the contentions of the city, advanced through Senator Hiram Johnson, of California, in argument on April 27, are upset. The decision says: "The Court of Equity to which application for relief in this action has been addressed is not vested with power over the appointment and removal of public officers. Jurisdiction to determine title to public office belongs exclusively to the Courts of Law and is exercised either by certiorari, mandamus, prohibition or quo warranta."

"There cannot be found a case where a bill of injunction has been granted to restrain the appointment or removal of a State officer. "It is questionable, too, whether the city either as a political subdivision of the State or as a proprietary corporation has any standing to contest on behalf of the former Commission, the title to office of the present bodies functioning in its place and stead. "There are no facts appearing here which show that either of the ousted commissions, whether the Public Service Commission or the Transit Commission, are any worse off than any other public officer illegally or improperly removed, who has, if aggrieved, an ample remedy at law. If the office is filled by another person the remedy is by quo warranto, if it be not filled he may resort to mandamus. "The court will therefore not, in deference to the almost universal ruling, restrain the action of the incumbents, for thus to restrain them is to restrain all the functions of the office, they being in—even if wrongfully—no one else can enter until they are removed, and they must act or no one can.

"The court has no inherent power to right a wrong unless thereby the civil property or personal rights of the city as a proprietor are affected. The rights to be affected must be personal or proprietary to the city, as distinguished from the rights in common of the body of the people of the city. The imminence of danger of the execution of contracts that will violate the city's prescribed constitutional rights cannot be before the court for even an examination of the legality thereof until they are proposed to be executed. "None of the other grounds of unconstitutionality urged as voiding the act permit the court at this time to interpose against the exercise of the indisputable lawful functions which the Legislature had power to transfer from the pre-existing commissions to those which it has now constituted with purely regulative power."

RICHARD W. CHILD

OUR ENVOY TO ITALY

Novelist Receives Appointment, His First Experience as a Diplomat.

WASHINGTON, May 17.—Richard Washburn Child, novelist and short story writer and former editor of Collier's Weekly, has been chosen Ambassador to Italy, it was learned at the White House.

Mr. Child was connected with the Harding campaign headquarters at Marion for a time last summer and has been close to the President since the nomination at Chicago last June. This is his first experience as a diplomat.

"KEEP DEAD MEN OFF JURY"

Also Convicts and Persons Indicted Adds Jersey Judge.

Dead men, those indicted or convicted for crime and those exempt from service must be kept off the jury panels, said Supreme Court Justice Swartz to-day in his charge to the Grand Jury in Jersey City. He added that putative in such a matter had caused to the virtue.

Man Sought in Bronx Shooting And a Girl Witness in the Case

Grand Jury Returns True Bill to Justice Cropsey in Mineola Inquiry.

The Nassau County Grand Jury this afternoon brought in an indictment in the automobile theft and sale cases which was said to name a former official of Queens County. The indictment was handed up to Justice Cropsey in the Supreme Court, Mineola, by the foreman of the jury, Daniel Woolley.

In the forenoon the Grand Jury heard the testimony of Carman Plant, Aubrey Pettit, former Superintendent of Public Buildings and brother of ex-Sheriff Steve Pettit; Matthew O'Neill and "Red" Hoffman. All of these, save O'Neill, have pleaded guilty to complicity in the theft and sale of about seventy-five automobiles.

At O'Neill's trial he described certain transactions between himself and Aubrey Pettit and a former official of Queens County.

The interest in this indictment is intensified by the belief that the trials of any men indicted will be the first in the county in a long time free from vague suspicion that the jury is free from men "planted" in the interest of the defendants.

Action tending toward a general clean-up will begin to-day at the direction of Supreme Court Justice Cropsey.

All the jurors who took part in the previous trials are to be examined. There will be a strict inquiry into the question of how and why certain jurors were selected.

Refuse to Give Up BERGDOLL TO U. S.

Germany to Get Formal Demand on Return of Peace—Giboney's Body Identified.

WASHINGTON, May 17.—German authorities at Baden have directly refused to hand over Grever Cleveland Bergdoll, army slacker, to the American army of occupation, Major William W. Hicks of the Military Intelligence to-day testified before the House Bergdoll Committee.

The request for Bergdoll's return was made by Major Bagby of the Military Intelligence at Coblenz through the German Military Commission there, Major Hicks said. He added that the American officers in Germany have recommended that a formal demand be made upon the German National Government by the United States. He indicated this would be done as soon as peace is formally declared.

William H. Collins, a Philadelphia dentist testified that there was no doubt that Dr. Clarence Giboney, attorney for Bergdoll, died in a storm at Camanche Bay, Mexico.

"I did dentist work for Giboney," said Collins. "I examined the body brought back from Mexico and am certain it was Giboney."

INDICT EX-OFFICIAL OF QUEENS COUNTY IN AUTO SCANDAL

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RICH SPECULATORS WERE VISITORS AT THE WARNER HOME

(Continued From First Page.)

There is big game in this, but we don't want to show our hand while we are searching. It is believed the finding of the sought for leader may uncover the details of the game, if there was one. A letter sent to Mrs. Warner from Tarrytown, signed "George," who has not been identified, may have some bearing on this phase of the case. An extract made public reads: "Don't let any know we are playing a dangerous game." "May" also is unidentified.

Next in importance to the new, mysterious, unnamed "man higher up" the police hold Don Collins, possessor of many aliases and a criminal record, "Dapper Don," so the police say, was his underworld pet name, and his enemies called him "Rats." His activities range from extortion to grand larceny. His manner is described as suave.

The police are not quite so sure of Frank Boylan who took hold to the Fordham Hospital with George Kurig, uncle of Mrs. Warner, and then vanished with the other two witnesses, Mrs. Warner and her cousin, Miss Wiley, both known actresses. Detectives pictured Boylan a gambler.

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JEW DENOUNCED FOR

With Abraham Convention Against Immigration Restrictions.

ATLANTIC CITY, N. J., May 17.—Henry Ford was denounced in resolutions adopted here today by the convention of the Independent Order of B'nai B'rith for his attacks on the Jews. The convention adopted another resolution urging President Harding to veto the restrictive immigration law. Another resolution, called upon the Jews of America to stand loyally behind the Palestine movement.

In the election of officers the most interesting contest was for Grand Master, between Judge Aaron Levy and Max Silverstein, both of New York. Judge Silverstein, a resident of New York, for three years preceding office, refused to stand for reelection. Judge Levy was said to have the best of this early voting.

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Insurgents' Committee Admit They May Have Exceeded "Limits of Prudence."

OSWESLIM, May 17. (Associated Press.)—The Polish Executive Committee in Silesia, of which Adolf Kuryanty is President, has telegraphed the Inter-Allied Commission here stating the insurgents now are ready to retire sufficiently to insure immediate cessation of hostilities with the Germans, provided the ground they abandon is occupied by Allied, and not German troops.

The Polish Committee, in its message, admits that the insurgents may have exceeded the limits of prudence in their actions.

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FRANCE CONTROLS 2,000,000 SOLDIERS

By Agreement With Other Nations She Commands Europe's Military Situation.

WASHINGTON, May 17.—France and Poland lead by large majorities the other continental nations of Europe in military effectiveness now under arms, according to British statistics received here to-day in official circles.

The roster of the continental armies is as follows: Austria, 20,000; Belgium, 105,000; Bulgaria, 23,000; Czechoslovakia, 147,000; Denmark, 15,000; Finland, 23,000; France, 309,000; Germany, 100,000; Greece, 250,000; Hungary, 35,000; Italy, 300,000; Netherlands, 21,000; Norway, 15,000; Poland, 400,000; Portugal, 30,000; Roumania, 160,000; Spain, 190,000; Sweden, 56,000; Switzerland, 200,000; Serbia-Croat-Slovene State, 200,000.

France controls approximately two-thirds of the slightly more than 2,000,000 men reported under arms to-day in Europe, by her understandings concluded with Belgium, Czechoslovakia, Poland, Roumania and Yugoslavia.

OCEAN TOURISTS TAKE AIRPLANES TO CATCH LINERS

Three Flyers Kept in Reserve at Paris to Accommodate Americans.

PARIS, May 17.—Airplane have become a favorite means of transportation for Americans who desire to catch trans-Atlantic liners in a hurry. As a result three flyers are kept in reserve here daily for the use of such passengers.

One of the latest to take advantage of this was the Paris agent of the American Railway Express Company who sailed on the Aquitania for New York. He was accompanied by a dozen companions and they took with them not only their baggage but several sacks of mail for the United States.

The cost of the journey by air, which occupies three hours, is \$200.

WED DAUGHTER, HANGS SELF

BALTIMORE, May 17.—John M. Jones, who in 1918 married his own daughter, Annie D. Jones, committed suicide by hanging himself in jail at Jacksonville, Fla., where he was arrested.

Several months ago his daughter reported the marriage to the State's Attorney Leach. She said that at this time she married Jones she thought he was her stepfather. Two children were born to them. Jones fled and was traced to Jacksonville, but former Gov. C. B. Cresswell refused to honor the Maryland recognition papers. Last week, however, Gov. Cresswell signed them and ordered the arrest of Jones.

RAILROAD MAN DIES IN TRAIN.

WESTFIELD, N. J., May 17.—William W. Parker, sixty-eight, chief clerk of the Lehigh Valley Railroad at Jersey City, died in a train, while on his way to his home here last night. When he failed to get off at Garwood, the station at which he usually alighted, a conductor who knew him found him dead.

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